IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12396 of 2004

Between:

Nuti Vijaya Rani, W/o. Late N. Venkata Rao,
R/o. Paloncha, Khammam District.

..... PETITIONER

AND

1 Chief Engineer (O & M) Kothagudem Thermal Power Station (K.T.P.S.) Palancha - 507 115, Khammam District.
2 A.P. Power Generation Corporation Ltd. rep by its Chairman-cum-Managing Director, Vidyut Soudha, Khairatabad, Hyderabad - 500 004.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Mandamus declaring the inaction of the Respondents herein in not sanctioning the death/terminal benefits and appoint our adopted son on compassionate grounds, on the death of my husband, as illegal, arbitrary, discriminatory, violative in Articles 14, 16, 21 of the constitution of India, as also violative of Principles of natural justice and further declare that the proceedings dated 17-4-2002 and the Regulation 28(3) of Board Regulations under which the said proceedings are said to have been issued, are illegal, arbitrary, discriminatory, violative of principles of natural justice as also violative of Articles 14, 16 & 21 of the constitution of India, and, consequently direct the Respondents herein to forthwith pay us the death/terminal benefits due to us as per Rules and also appoint our adopted son, on compassionate grounds, in a suitable post in the 2nd Respondent Corporation, in the interests of justice, and pass such other order or further orders as the Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.S.A.CHARI

Counsel for the Respondent No.: MR.S.RAVINDRANATH

The Court at the admission stage made the following Order:

The petitioner is questioning the inaction of the respondents in not sanctioning the death/terminal benefits and not appointing her adopted son on compassionate grounds on the death of her husband.

The petitioner's husband worked in the second respondent-Corporation, which is under the control of the first respondent-Chief Engineer (O&M) Kothagudem Thermal Power Station (K.T.P.S.), Paloncha, Khammam District, as a lift operator for more than 15 years. He died on 09-09-2003 after prolonged illness. The petitioner made a representation dated 05-11-2003 to the first respondent for sanctioning of death benefits and to provide compassionate appointment to her adopted son. She submitted legal heir certificate, adoption deed, death certificate etc., through letter dated 02-04-2004 for the above purpose. She subsequently received a letter dated 27-04-2004 from the first respondent mentioning that disciplinary proceedings were initiated against the husband of the petitioner for his unauthorized absence from duty for continuous period of one year from 18-03-2000 and after conclusion of the disciplinary proceedings final orders were issued on 17-04-2002 confirming that the petitioner's husband was deemed to have resigned from service with effect from 18-03-2000. Therefore, her request for compassionate appointment of her son could not be considered. Being shocked by the orders of the first respondent, the petitioner appears to have submitted a representation on 14-05-2004 to the first respondent furnishing all the details praying to consider the case sympathetically by keeping in view that she has no source of income and that she is a poor woman and made the same request for appointment of her adopted son on compassionate grounds without standing on technicalities.

Though the learned Counsel for the petitioner could not show any provision regarding the maintainability of the said representation to the first respondent, he seeks at least a direction from this Court to the first respondent to consider the representation and to pass appropriate orders, by taking into consideration the present condition of the petitioner.

In the light of the representation made by the learned counsel for the petitioner, the first respondent is directed to dispose of the representation dated 14-05-2004 made by the petitioner, after considering the grounds raised in the said representation. within a reasonable time.

With the above observation, the writ petition is disposed of at the stage of admission.

19-07-2004

kdl

TO

1 Chief Engineer (O & M) Kothagudem Thermal Power Station (K.T.P.S.) Palancha - 507 115, Khammam District.
2 A.P. Power Generation Corporation Ltd. rep by its Chairman-cum-Managing Director, Vidyut Soudha, Khairatabad, Hyderabad - 500 004.

3. Two C.D. Copies.